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09/838,223	04/20/2001	Rich Chen	MR1957-533	9197

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EXAMINER

SHAPIRO, LEONID

ART UNIT PAPER NUMBER

2677

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/838,223

Applicant(s)

CHEN, RICH

Examiner

Leonid Shapiro

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 26-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 26-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 26-35 contains the trademark/trade names Window operating system and Office Application. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe Window operating system and Office Application and, accordingly, the identification/description is indefinite.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 26, 30-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen (US Patent No. 5,144,422).

As to claim 26, as best understood by examiner, Allen teaches an auxiliary device for editing documents (See Figs 1-2, items 28, 28', Col. 1, Lines 10-14), comprising:

a peripheral input device having an internal circuit with a single-chip microprocessor (See Fig. 1-2, items 28, 28', Col. 5, Lines 35-38 and Col. 6, Lines 10-15); and

a direct access modular key set with a document editing function (See Figs 1-2, items 28, 28', Col. 1, Lines 10-14 and Col. 4, Lines 42-44); the direct access modular set being arranged on peripheral input device (See Fig. 2, item 28', Col. 6, Lines 4-21) and connected to an I/O bus of single-chip microprocessor (See Figs. 1-2, items 28, 28', Col. 5, Lines 35-38 and Col. 6, Lines 10-15); single-chip microprocessor generating a pseudo composite-key code corresponding to a individual key in the modular key set pressed by a user (See Figs. 1-2, items 28, 28', from Col. 4, Line 66 to Col. 5, Line 14); the pseudo composite-key code being formed by the group of codes representing simultaneous key operation (See Col. 6, Lines 22-29), codes representing sequential key switch operation, and combination to execute specific action (in reference cut, paste and copy) (See Figs. 1-5, items 34, 36, Col. 5, Lines 38-42), whereby the user can directly edit a document by using the direct access modular key set provided on the

computer keyboard without chording or memorize the combination keys, wherein pressing the direct access modular key with single touch of direct access modular key can launch pre-define function directly (See Figs. 1-5, items 34, 36, Col. 5, Lines 12-14); modular key set including a cut key, a paste key, a copy key (See Figs 1-5, items 34, 36, Col. 5, Lines 38-42), the direct access modular key not require additional hardware (such as external ROM, separate cable), processing, complex driver support except the code-conversion application software; the pseudo composite code is send through ports by one cable (See Fig. 2, items 28', 34, Col. 6, Lines 4-21).

As to claim 30, as best understood by examiner, Allen teaches the code-conversion application software transfer specific code to pseudo composite-key code, corresponding to the cut, paste and copy keys (See Figs. 1-5, items 34, 36, Col. 5, Lines 38-42) corresponding to the pseudo composite-key code (See Col.6, Lines 22-29).

As to claims 31-35, as best understood by examiner, Allen teaches the code-conversion application software transfer specific code to pseudo composite-key code, corresponding to the cut, paste and copy keys (See Figs. 1-5, items 34, 36, Col. 5, Lines 38-42).

Allen does not show a modular key set (keyboard extension in the Allen reference) includes a mark key, redo key, undo key,....

Allen teaches mouse keys to mark particular location and data blocks to identify a segment of a document to be copied or cut (to indicate which data is targeted

for manipulation in the Allen reference) (See Figs. 1-2, items 30, 32, Col. 4, Lines 37-41 and Col. 6, Lines 60-64).

Since Allen teaches that the data manipulation keypad may be reprogrammed by the user (See Col. 5, Lines 42-50), corresponding to the pseudo composite-key code (See Col.6, Lines 22-29), it would have been obvious to one of ordinary skill in the art at the time of invention to add (move) mark key or any key to the modular set in the Allen apparatus to identify a segment of a document to be copied or cut in order to expediently perform data manipulation operations (See Abstract in Allen reference).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27-28, as best understood by examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen as aforementioned in claim 26 in view of Krause et al. (US Patent No. 6,154,757).

Allen does not show short-cut key is further provided on the computer peripheral to invoke an associated program.

Krause et al. teaches shortcut keys which automatically advance the text displays (See Fig. 4B, item 447, in description See Col. 10, Lines 33-39).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement short-cut key as shown by Krause et al. in Allen apparatus in order to enhanced a user ability for moving around with a text (See Col. 1, Lines 24-29 in Krause et al. reference).

4. Claim 29, as best understood by examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen as aforementioned in claim 26 in view of Hsu et al. (US Patent No. 6,320,519 B1).

Allen and Shimamura do not show switch key with LED and a plurality of composite keys and the functions of the composite keys controlled by a switch key.

Hsu et al. teaches switch key (symbol key) with LED (for ScrollLock key) and a plurality of composite keys and the functions of the composite keys controlled by a switch key (See Fig. 1-2, item 15-26, in description See Col. 3, Line 37 and Col. 4, Lines 58-67, Col. 5, Lines 58-68).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement switch key to modify composite keys for redo, undo, bold, open, new, save, find, forward and function keys F1-F12 as shown by Hsu et al. in the Allen apparatus to use predetermined pseudo composite-key code of modular key set in order to switch a plurality of switchable keys between a first key code set and second key code set with a single modifier key (See Col. 2, Lines 17-20 in Hsu et al. reference).

***Response to Amendment***

5. Applicant's arguments filed on 09-06-05 with respect to claims 26-35 have been considered but are moot in view of the new ground(s) of rejection.

***Telephone inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LS  
11.23.05

AMR A. AWAD  
PRIMARY EXAMINER  
*Amr Awad*